IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.5046 of 2007
GANESH PARVAT & ORS
Versus
STATE OF BIHAR
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8 4.9.2008 Heard learned counsel for the petitioners as also the learned counsel for O.P. No. 2 and the learned A.P.P. for the State.

It appears that the grievance of the petitioners is against the order dated 9.9.2006 / 11.9.2006 passed by Sri V.V.Gupta, Judicial Magistrate, 1st Class, Siwan in Complaint Case No. 1533 of 2004 by which he has taken cognizance of offences under sections 149, 147, 379 I.P.C. against the petitioners.

As it appears initially on the basis of a fardbeyan given by one Raj Kumar Bharti, impleaded as O.P. No. 2 herein, Goriyakothi P.S. Case No. 71 of 2003, under sections 144 and 379 I.P.C. were registered wherein the police after due investigation submitted final form.

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In the meantime a protest petition had been filed which after submission of the final form by the police was taken up and proceeded as a complaint case and in the inquiry held under section 202 Cr.P.C. sufficient materials came on record to show the complicity of the petitioners in the aforesaid crime and as such cognizance was taken.

It is by now well settled that in a case proceeding on a complaint petition the Magistrate can look into only such materials which come to light at the inquiry held under section 202 Cr.P.C. and he cannot travel beyond those materials. Gainful reference for the

purpose may be placed in the case of Chandradeo Vs. Prakash : AIR 1963 S.C. 1430 wherein their Lordships has observed that looking into any other matter apart from that which has come in course of the inquiry under section 202 Cr.P.C. would amount to looking into an extraneous matters which is neither warranted nor permissible.

In the aforesaid circumstances I find no merit in this application which is dismissed.

Spd/- **(Abhijit Sinha, J.)**

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